

FWP COMMISSION AGENDA ITEM COVER SHEET

Meeting Date: November 18, 2010

Agenda Item: Bitterroot Wolf 10j Proposal (West Fk Bitterroot/elk HD 250)

Division: Wildlife

Action Needed: Final Approval

Time Needed on Agenda for this Presentation: 15 minutes

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Background

The U.S. Fish and Wildlife Service (USFWS) reintroduced gray wolves to the wilderness areas of central Idaho and to Yellowstone National Park in 1995 and 1996 as a Nonessential Experimental Population under Section 10 of the Endangered Species Act. Since then, dispersal into Montana has resulted in resident wolf packs across southern Montana in the Montana portions of the central Idaho and Greater Yellowstone Recovery Areas. The northern Rocky Mountain wolf recovery goals were first met in 2002, but delisting and subsequent implementation of regulated, fair chase public hunting (Montana's preferred population management tool as authorized by the FWP Commission) has been delayed because of litigation in federal court. A full resolution is not expected soon.

Federal regulations adopted at the time of reintroduction, and subsequently amended in 2005 and 2008 allow states or Tribes with federally approved management plans increased flexibility to address unacceptable impacts on wild ungulate populations resulting from wolf predation. The federal 2008 10j regulations outline a process whereby states can gain USFWS approval to lethally remove wolves within specific impacted areas. A state must first write a proposal, obtain scientific peer review, and solicit public comment prior to submission to USFWS. USFWS reviews the proposal for scientific rigor in addition to scientific peer review and public involvement requirements. USFWS may either approve FWP's request to lethally remove wolves as described by the proposal or deny the request. It is unclear how long it would take for USFWS to review FWP's proposal and make a decision, but FWP would request expedited review.

FWP is proposing to remove wolves from the West Fork of the Bitterroot area (elk HD 250) where FWP believes elk populations will continue to decline without intervention. This elk population is substantially below historic levels and current population management objectives and is experiencing very low recruitment. Given continuation of the ESA-listed status, FWP's proposal provides a review of the available information and justification for wolf removal under the federal 10j regulation and was presented in detail to the FWP Commission in October.

At the present time, a legal challenge of the federal 2008 10j regulation is underway in federal court in Missoula. The case is still in the briefing stage, and the timing of a final ruling is uncertain.

Public Involvement Process & Results

FWP's presentation of the wolf 10j proposal to the FWP Commission in October 2010 was the first step in the process of seeking authority under the 10j regulation. Additional steps included outside peer review and public comment. All comments will be forwarded to the FWP Commission. If approved as Final by the Commission, FWP would then submit the proposal to the USFWS.

Agency Recommendation & Rationale

FWP recommends the FWP Commission adopt the proposal as Final and direct FWP to forward the proposal to the USFWS. See rationale above.

Proposed Motion

I move the FWP Commission adopt as Final the wolf 10j proposal for elk HD 250 as presented by FWP and direct FWP to forward the proposal to the USFWS for its timely consideration and proposed approval.